



CHAIRMAN

Federal Communications Commission

Washington, D.C.

July 9, 2004

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
2142 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Conyers:

Thank you for your letter of July 7, 2004, expressing concerns about some of the details of a plan before the Commission that proposed to address interference to public safety users in the 800 MHz band.

Abatement of this interference problem is one of the most important spectrum-related matters to come before the Commission. The Commission's staff has worked for over two years gathering comments and considering proposals to resolve this interference situation. On July 8, 2004, the Commission unanimously adopted a *Report and Order* to implement a Commission-derived plan which is comprised of both short- and long-term components to address the very serious problem of interference to public safety communications. The Commission is aware of the novel issues raised by parties to this proceeding regarding the application of appropriations law and understand that the U.S. Comptroller General has agreed to review those issues. We have evaluated all aspects of the proposed solutions, including the legal and economic facets of the various plans that have been presented. Should the Comptroller General unambiguously conclude that the Commission's plan violates the appropriations statutes, the Commission will address – either on its own motion or on that of moving parties – whether it is appropriate to stay the effect of some aspects of the plan pending a final decision by the Court of Appeals on any application for review.

I am enclosing a copy of the Commission's News Release and my separate statement for your information. I appreciate your interest and concern about this very important matter. Please let me know if I can be of any further assistance.

Sincerely,

Michael K. Powell

Enclosures